

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-15023 - APPLICANT: SUN LOAN COMPANY -
OWNER: PLAZA LOS ARCOS, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Financial Institution, Specified use, except for minimum separation distance from parcels used or zoned for residential use, minimum separation distance from other Financial Institution, Specified, Auto Title Loan or Auto Pawn uses, and minimum floor area, for which Waivers are hereby granted.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Financial Institution, Specified and Waivers of the 1,000-foot distance separation requirement from another Financial Institution, Specified; 200-foot distance separation requirement from a residential use; and 1,500 square-foot minimum size requirements at 633 North Decatur Boulevard, Suite G.

EXECUTIVE SUMMARY

The subject use does not meet the base conditions of Title 19. The accompanying waiver requests are unjustified. The use is adjacent to both single-family and multi-family residential developments and would be located within 125 feet of a parcel containing a similar use.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 11/16/65 | The Board of City Commissioners approved a Rezoning (Z-0065-66) of the subject site from R-3 (Medium Density Residential) to C-1 (Limited Commercial). The Planning Commission recommended approval. |
| 01/04/78 | The Board of City Commissioners approved a Plot Plan Review (Z-0065-66) for a shopping center on the subject site. The Planning Commission and staff recommended approval. |
| 04/21/04 | The City Council adopted an ordinance (Ord. #5682) establishing locational restrictions and additional development standards for the uses "Auto Pawn," "Auto Title Loan," and "Specified Financial Institution." |
| 12/16/04 | A business license (C21-00152) was issued for a check cashing operation at 840 North Decatur Boulevard, Suite B. The license is still active. |
| 07/19/06 | A sign permit (#06004748) to allow wall signage was issued at 633 North Decatur Boulevard, Suite G. A final inspection has not been completed. |
| 09/07/06 | The Planning Commission voted 6-1/rt to recommend APPROVAL (PC Agenda Item #44/ss). |

B) Pre-Application Meeting

06/19/06 The requirements for the Financial Institution, Specified use were discussed. The applicant was informed that waivers of the minimum separation distance from residential properties and from other specified financial institutions would be required. Parking was not deemed to be an issue.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.88

B) Existing Land Use

Subject Property: Retail Commercial Center
North: Restaurant
South: Multi-Family Residential (apartments)
East: Restaurant
 Motor Vehicle Sales, New and Auto Rental
West: Single-Family Residential

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: M (Medium Density Residential)
East: SC (Service Commercial)
 GC (General Commercial)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-3 (Medium Density Residential)
East: C-1 (Limited Commercial)
 C-2 (General Commercial)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southeast Sector Map of the Master Plan. The proposed Financial Institution, Specified is within the range of light commercial uses appropriate for the SC designation. The existing C-1 (Limited Commercial) zoning district is also compatible with this designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

No special plans, districts, overlays or trails are associated with the subject site.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	1,100 SF	One space/250 SF GFA	5	N/A	45	1

The proposed Financial Institution, Specified will be replacing a former publishing company use. The shopping center where the use is located is parking impaired; therefore, as the same parking standard is being used, no additional parking spaces are required. The site plan indicates that 49 spaces are provided. A field check verified that 46 spaces are actually provided.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Financial Institution, Specified	1,000 feet from any other Specified Financial Institution, Auto Title Loan or Auto Pawn use	One similar use within the 1,000 foot distance separation radius
	200 feet from any parcel used or zoned for residential use	The subject parcel line abuts the single-family residential uses to the west and is 40 feet from multi-family residential uses to the south

The proposed location does not meet the minimum distance separation requirements from both other Specified Financial Institutions and residential properties.

A3) Financial Institution, Specified Building Size

Standards	Code Requirement	Provided
Financial Institution, Specified	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	1,100 square feet

At 1,100 square feet, the proposed Financial Institution, Specified does not meet the minimum 1,500 square foot space size requirement. A Waiver to allow a smaller suite for the use is required.

B) General Analysis and Discussion

- Zoning

The Financial Institution, Specified use is permitted in a C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit, subject to meeting certain requirements listed below.

- Use

The proposed Financial Institution, Specified is an existing consumer loan finance company that wishes to relocate from another area of the city. The business is proposed to be located within a 1,100 square-foot tenant space within an existing building; therefore, no exterior work will be performed other than replacement of wall signage, ensuring compatibility with the shopping center and surrounding development. There is one Financial Institution, Specified use (check cashing) within 1,000 feet of the subject parcel and both single-family and multi-family residential dwellings adjacent to the subject parcel.

Denial is recommended for the use and the size and distance separation waivers. The intent of the standards is to ensure the legitimacy of operations and to avoid both nuisances to residential neighborhoods and over saturation of similar financial uses in the area. The site is adjacent to two residential developments and approximately 125 feet from a parcel containing a check cashing operation, which is a similar use. The fact that all three waivers are required indicates that this is not a compatible location for this use.

No revisions to the submitted plans were made following abeyance of the item at the 08/24/06 Planning Commission meeting.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by the City Council on 04/21/04:

1. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6. (Non-waivable)
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area. (Non-waivable)
3. No temporary signs (as described in Las Vegas Municipal Code 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or

- c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed finance company fails to comply with Paragraphs 6 and 7 of the ordinance. The suite area is 1,100 square feet. Additionally, the subject site is adjacent to single-family and apartment developments and lies within the 1,000-foot minimum distance separation from another similar use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although this use falls within the parameters of the SC (Service Commercial) category, its specific location makes it incompatible with surrounding land uses. The Zoning Code requires a 200-foot buffer between Specified Financial Institutions and residential uses. The parcels to the west and south are designated L (Low Density Residential) and M (Medium Density Residential), and the uses are separated only by residential street rights-of-way. Additionally, the use is proposed to be located within 1,000 feet of a similar existing use, thereby creating a higher probability of saturation in the area. The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing and surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject shopping center site can easily accommodate the proposed Financial Institution use, as there is adequate parking available and easy access to the storefront.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is from Decatur Boulevard, classified as a Primary Arterial with a special 125-foot wide design on the Master Plan of Streets and Highways. Alternative access is available from Vermont Avenue, a 39-foot wide public street. These roadways are adequate in capacity to accommodate the demand of the proposed development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and welfare and the objectives of the General Plan will not be compromised as a result of the approval of a Special Use Permit, because the proposed Financial Institution, Specified will be subject to inspections for a Certificate of Occupancy.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 346 by City Clerk

APPROVALS 0

PROTESTS 1